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FROM: Lisa A. Amii**DATE:** January 6, 2005

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Comments:

Attorney Docket No. 577242000100
Group Art Unit: 3732
Examiner: Not Yet Assigned
Serial No.: 10/800,162
Filing Date: March 12, 2004
Inventors: Donald J. EATON et al.
Title: SINUS DELIVERY OF SUSTAINED RELEASE THERAPEUTICS

Papers attached:

1. Transmittal (1 page)
2. Statement Under 37 CFR 3.73(b) with copy of Assignment (3 pages)
3. Power of Attorney (1 page)

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PA-946971

PTO/SB/21 (09-04)

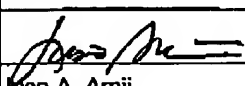
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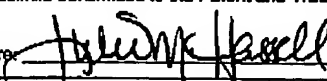
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<h1 style="text-align: center;">TRANSMITTAL FORM</h1> <p style="text-align: center;">(to be used for all correspondence after initial filing)</p>		Application Number	10/800,162
		Filing Date	March 12, 2004
		First Named Inventor	Donald J. EATON
		Art Unit	3732
		Examiner Name	Not Yet Assigned
Total Number of Pages In This Submission	5	Attorney Docket Number	577242000100

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address (1 page) <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <ul style="list-style-type: none"> Fax Cover Sheet Statement Under 37 CFR 3.73(b) with copy of Assignment (3 pages)
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	MORRISON & FOERSTER LLP (Customer No. 25226)		
Signature			
Printed name	Lisa A. Arnii		
Date	January 6, 2005	Reg. No.	48,199

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 872-9308, on the date shown below.	
Dated: January 6, 2005	Signature:  (Julie M. Hassell)

pa-946969

PTO/SB/96 (08-03)

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STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Donald J. EATON et al.Application No./Patent No.: 10/800,162 Filed/Issue Date: March 12, 2004Entitled: SINUS DELIVERY OF SUSTAINED RELEASE THERAPEUTICSSinexus, Inc., a corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.

The extent (by percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

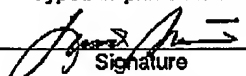
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The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

[] Additional documents in the chain of title are listed on a supplemental sheet.

- [] Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

1/3/05
Date(650) 813-5674
Telephone NumberLisa A. Amil
Typed or printed name
SignatureAttorney of Record
Title

Attorney Docket: 577242000100

**ASSIGNMENT
JOINT****COPY**

THIS ASSIGNMENT, by Donald J. EATON, Mary Lynn MORAN, and Rodney A. BRENNEMAN (hereinafter referred to as the assignors), residing at 335 Kings Mountain Road, Woodside, California 94062; 2973 Woodside Road, Woodside, California 94062; and 34002 Las Palmas Del Mar, San Juan Capistrano, California 92675, respectively, witnesseth:

WHEREAS, said assignors have invented certain new and useful improvements in SINUS DELIVERY OF SUSTAINED RELEASE THERAPEUTICS, set forth in an application for Letters Patent of the United States, bearing Serial No. 10/800,162 and filed on March 12, 2004; and

WHEREAS, Sinexus, Inc., a corporation duly organized under and pursuant to the laws of Delaware and having its principal place of business at 180 Farm Road, Woodside, California 94062 (hereinafter referred to as the assignee) is desirous of acquiring the entire right, title and interest in and to said inventions and said application for Letters Patent of the United States, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon:


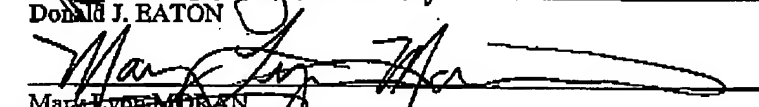

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, said assignors have sold, assigned, transferred and set over, and by these presents do sell, assign, transfer and set over, unto said assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions, application for Letters Patent, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and in and to any and all divisions, continuations and continuations-in-part of said application, or reissues or extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by said assignee, for its own use and the use of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted, as fully and entirely as the same would have been held and enjoyed by the assignors, had this sale and assignment not been made.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, said assignors are the sole and lawful owners of the entire right, title and interest in and to said inventions and the application for Letters Patent above-mentioned, and that the same are unencumbered and that said assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee, its successors, legal representatives and assigns, that said assignors will, whenever counsel of said assignee, or the counsel of its successors, legal representatives and assigns, shall advise that any proceeding in connection with said inventions, or said application for Letters Patent, or any proceeding in connection with Letters Patent for said inventions in any country, including interference proceedings, is lawful and desirable, or that any division, continuation or continuation-in-part of any application for Letters Patent or any reissue or extension of any Letters Patent, to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent for said inventions, without charge to said assignee, its successors, legal representatives and assigns, but at the cost and expense of said assignee, its successors, legal representatives and assigns.

Attorney Docket No.: 577242000100

AND said assignors hereby request the Commissioner of Patents to issue said Letters Patent of the United States to said assignee as the assignee of said inventions and the Letters Patent to be issued thereon for the sole use of said assignee, its successors, legal representatives and assigns.

12/19/04	
Date	Donald J. EATON
11/19/04	
Date	Mary Lynn MORAN
11/19/04	
Date	Rodney A. BRENNEMAN